

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

**Case No. 16-C-741
(Criminal Case No. 05-CR-240)**

ANDRE PRZEWORSKI,

Movant.

ORDER

Pending before this Court is Movant Andre Przeworski's petition pursuant to 28 U.S.C. § 2255. Przeworski's sole contention is that *Johnson v. United States*, 135 S. Ct. 2551 (2015), which holds the residual clause of the Armed Career Criminal Act (ACCA), 18 U.S.C. § 924(e), is unconstitutionally vague and applies retroactively to collateral attacks involving U.S.S.G. § 4B.1.2(a)(2), a residual clause worded identically to the ACCA's residual clause. That issue, critical to the disposition of Przeworski's petition, is awaiting decision by the Seventh Circuit Court of Appeals, see *Dawkins v. United States*, 809 F.3d 953, 954 (7th Cir. 2016) (noting that the issue is pending in *United States v. Rollins*, No. 13-1731, and the consolidated cases of *United States v. Hurlburt*, No. 14-3611 and *United States v. Gillespie*, No. 15-1686). Based on the foregoing, the Court stays the resolution of this action until *Rollins* is decided.

SO ORDERED at Milwaukee, Wisconsin, this 23rd day of June,
2016.

BY THE COURT:



HON. RUDOLPH T. RANDA
U.S. District Judge